

JURISDICTION:
General Reference:

KANSAS
Kansas Statutes Annotated

Required Use of Safety Belts¹:

Requirements:

When a passenger car² is in operation, each front seat passenger must be secured in a safety belt. §8-2503(a)

Secondary Enforcement. A vehicle shall not be stopped for a violation of this requirement in the absence of another violation. A citation for a violation of this requirement cannot be issued unless a citation is issued for the violation which caused the stop. §8-2503(e)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

A fine of **\$10**. §8-2504(a)(2) A court is not to report a violation of this requirement to the department of revenue. §8-2504(b)

Effect on Civil Liability:

Evidence of failure to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages. §8-2504(c)

Required Use of Child Safety Restraint Systems:

Requirements:

I. A driver of a passenger car² shall properly restrain a child <4 years old in a Federally approved child safety restraining system. §8-1344(a) & (b)
II. A driver of a passenger car² shall properly restrain a child >4 but <14 years old in a safety belt.³ §8-1344(b)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

A fine of **\$20**. Note: A violation of this requirement is not a moving violation for licensing sanctions purposes. §8-1345(a)

Effect on Civil Liability:

Evidence of failure to secure a child as required shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages. §8-1345(d) The law has been interpreted to include "misuse" as well as "non-use." *Watkins v. Hartsock*, 783 P.2d 1293 (Kan. 1989) In addition, failure to employ a child passenger restraint system shall not constitute negligence per se. §8-1346

Required Use of Motorcycle Protective Headgear:

Requirements:

No person <18 years old shall operate or ride upon a motorcycle or motorized bicycle unless they are wearing a helmet that satisfies Federal standards. §8-1598(a) This requirement does not apply if the person is riding in an enclosed cab, golf cart or industrial (cargo-type) vehicle having 3 wheels (i.e., a truckster). §8-1598(c)

Sanctions for Failure to Use:

Traffic Infraction: A fine of **\$10**. §§8-2116(a) & 8-2118(c)

¹**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To passengers who are unable to wear a safety belt for medical reasons; (2) to carriers of U.S. mail when on actual duty delivering and collecting the mail; (3) to persons who are in the process of delivering newspapers; and, (4) to persons who are required to be secured in a child passenger restraint system. §8-2503(b)

²A "passenger car" is defined as a motor vehicle (including vans) designed to carry ≤10 persons. However, such definition does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis with a gross vehicle weight of >12,000 lbs. or a farm truck with a gross weight >16,000 lbs. §§8-1343a & 8-2502 In addition, for safety belt use law only, the term "passenger car" excludes a vehicle constructed with special features for occasional off-road operation. §8-2502 For both safety belt and child protection laws, "passenger car" means those vehicles that comply with Federal Motor Vehicle Safety Standard No. 208 (49 CFR 571.208). §§8-1344(b) & 8-2503(a) Note: This Federal standard applies to passenger motor vehicles manufactured after January 1, 1973.

³This requirement does not apply if all of the available seating positions with safety belts are occupied. §8-1344(b)

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Required Use of Motorcycle Eye Protection Device⁴:

Requirements:

No person shall operate a motorcycle unless they are wearing an eye-protection device (i.e., protective glasses, goggles or transparent shields which are shatter proof and impact resistant). This requirement does not apply if the motorcycle is equipped with a windscreen. §8-1598(b)

Sanctions for Failure to Use:

Traffic Infraction: A fine of **\$10**. §§8-2116(a) & 8-2118(c)

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

I. A person <14 years old is prohibited from riding upon any portion of a vehicle not designed to intended for passenger use. §8-1578a(a)
II. A driver is not to allow a person <14 years old to ride upon any portion of a vehicle not designed to intended for passenger use. §8-1578a(b)
Note: (1) The above requirements only apply when the vehicle is being operated within the corporate limits of a city or on the State highway system. §8-1578a(d) And, (2) Child Safety Restraint Requirements may also apply.

Sanctions for a Violation:

Traffic Infraction: A fine of **\$20**. §§8-2116(a) & 8-2118(c)

Exemptions:

This requirement does not apply (1) to an employee <14 years old who is engaged in the necessary discharge of an employer's duties within a truck body which is intend for merchandise or cargo or (2) vehicles being operated in parades, caravans or exhibitions. §8-1578a(c)

⁴This requirement does not apply to persons who are riding within an enclosed cab, a golf cart or any industrial (e.g., cargo-type) vehicle which has three wheels and which is commonly known as a truckster. §8-1598(c)